

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Eugene Davis,)	
)	
Plaintiff,)	ORDER DENYING MOTION
)	FOR SUMMARY JUDGMENT
v.)	AND MOTION FOR HEARING
)	
Holly Negaard; Holly Negaard, as Trustee)	
of the Holly Negaard Revocable Living)	
Trust; Jessica Purdy a/k/a Jessica)	
Shanafelt; and Purdy Investments, LLC)	Case No.: 1:23-cv-00195
d/b/a Western Apartments,)	
)	
Defendants.)	

On February 11, 2025, Defendants Holly Negaard, Holly Negaard, as Trustee of the Holly Negaard Revocable Living Trust, and Jessica Purdy a/k/a Jessica Shanafelt (collectively “Defendants”) filed a *Motion for Summary Judgment*. (Doc. No. 49). Defendants also requested a *Motion for Hearing* on the matter. (Doc. No. 53). On March 4, 2025, Plaintiff Eugene Davis (“Plaintiff”) filed a response in opposition to Defendants’ motion. (Doc. No. 58). On March 18, 2025, Defendants filed a reply. (Doc. No. 65).

Under Federal Rules of Civil Procedure 56(a), summary judgment may be granted when “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Summary judgment is not appropriate when there are factual disputes that may affect the case’s outcome under applicable substantive law. *Anderson v. Liberty Lobby Inc.*, 477 U.S. 242, 248 (1986). An issue of material fact is genuine if evidence would allow a reasonable factfinder to return a verdict in favor of the nonmoving party. *Id.* The court must inquire as to “whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law.” *Id.* at 251-52.

After reviewing Defendants' motion, the parties' briefs, and supporting documents, and in viewing the evidence in the light most favorable to Plaintiff, there appears to be genuine issues of material fact in this matter that preclude the court from granting the motion for summary judgment. Based on the foregoing, Defendants' *Motion for Summary Judgment* (Doc. No. 49) and *Motion for Hearing* (Doc. No. 53) are **DENIED**.

IT IS SO ORDERED.

Dated this 7th day of August, 2025.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court